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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,136	07/09/2003	John C. Artz JR.	VIGN1470-1	2094
44654 7590 03/12/2007 SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			EXAMINER HUSSAIN, TAUQIR	
			ART UNIT 2152	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/12/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/616,136		ARTZ ET AL.	
	Examiner		Art Unit	
	Tauqir Hussain		2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/11/04, 9/20/04, 10/26/04, 2/22/05, 4/12/05.

DETAILED ACTION

1. Claims 1-33 are pending in this application.

Claim Objections

2. Claim 13, is objected to because of the following informalities: There is a period missing at the end to the claim. Appropriate correction is required.

Specification

3. The disclosure is objected to because of the following informalities: Paragraph [0001], requires the Application No. filled in to the blank spaces specified for application number on page 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 2, recites the limitation "associating data with the first stream or second stream" in line 1-2. It is not clear if this data is "data loss" or it is a new data. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 1,2,5,12,13,16 and 23,24,27, are rejected under 35 U.S.C 103(a) as being unpatentable over Grünenfelder (Patent Number: 5,66,801), hereinafter "Grünen" in view of Beyda et al. (Patent No.: US 6,453,336 B1), hereinafter "Beyda".

8. As to claim 1,12 and 23, Grünen discloses, a method for detecting gaps in data (Abstract, lines 1-2), comprising:

Defining a first stream and a second stream from a network topology (Fig.1, Element-3, Col.3, lines 1-2);

Calculating a data loss for each stream wherein the data loss is calculated between a next event and a last event in the stream (Col.4, lines 22-28).

Grünen is silent on processing the streams based on data loss. However, Beyda teaches, processing each stream based upon the calculated data loss (Beyda, Col.2, lines 37-43, where loss of quality can be interpreted as loss of data and adjustment of quality will be a processing base on calculated data loss).

Therefore, it would have been obvious to one ordinary skilled in the art at the time of the invention was made to modify the teachings of Grünen with the teachings of Beyda in order to conduct a personal computer based video conferencing. Furthermore, it will be beneficial to have the quality adjustment control to avoid static annoyance in between video conferencing.

9. As to claim 2,13 and 24 Grünen discloses, the method, further comprising associating data with the first stream or the second stream (Col.3, lines 15-16, where each ATM cell is data and ATM cell could be first or second stream).

10. As to claim 5,16 and 27, Grünen and Beyda disclose the invention substantially as in the parent claim 2. Furthermore Grünen discloses the data loss is a time difference between the occurrence of the next event and the last event (Grünen, Abstract, lines 10-14).

11. Claims 3,4,6-11, 14,15,17-22 and 25,26,28-33, are rejected under 35 U.S.C 103(a) as being unpatentable over "Grünen" in view of Beyda as applied to claims 2,13 and 24 and further in view of Glaser et al. (Pub. No.: US 2006/0271989 A1), hereinafter "Glaser".

12. As to claims 3,14 and 25 Grünen and Beyda disclose the invention substantially as described in claims 2,13 and 24. However, Grünen and Beyda are silent on, stopping the processing of every stream if the first or second stream's calculated data loss is greater than a first user defined threshold. However, Glaser teaches, stopping the processing of every stream if the first or second stream's calculated data loss is greater than a first user defined threshold (Glaser, [0012, lines 7-13, where overflow will cause the processing ceased for until buffer hits the specified threshold).

Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the teachings of Grünen and Beyda with the teachings of Glaser in order to provide real-time playback of audio data transferred via telephone lines or other communication links (Glaser, Abstract, lines 1-2).

13. As to claims 4,15 and 26, Grünen, Beyda and Glaser disclose the invention substantially as in parent claims 3,14 and 25, including processing resume according to a second user defined threshold (Glaser, [0099, lines 1-7], where normal signal resumes once the buffer reaches the threshold of maximum of 60 %).

14. As to claims 6,17 and 28, Grünen, Beyda and Glaser disclose the invention substantially as in parent claims 5,16 and 27 including, the time difference as lower barrier and higher barrier and further discloses the data loss in terms of time (Grünen, Col.4, lines 22-49); stopping or resuming the processing of streams (Glaser, [0013,lines 1-16 and [0088, lines 7-16).

15. As to claims 7,18 and 29 Grünen, Beyda and Glaser disclose the invention substantially as in parent claims 6,17 and 28 including, storing any data received while processing is stopped (Glaser, [0057, lines 10-15]).

16. As to claims 8,19 and 30, Grünen, Beyda and Glaser disclose the invention substantially as in parent claims 7,18 and 29, sending a notification (Glaser, [0057, lines 10-15], where sent signal is a notification to stop the transmission).

17. As to claims 9,20 and 31, Grünen, Beyda and Glaser disclose the invention substantially as in parent claims 7,18 and 29, resuming processing of the first and

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second stream upon reception of more data associated with the first or second stream (Glaser, [0076, lines 21-35]).

18. As to claims 10-11, 21-22 and 32-33 are rejected for the same reasons set forth in claim 7, 18 and 29 above.

19.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tauqir Hussain whose telephone number is 571-272-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571 272 3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH



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SUPERVISORY PATENT EXAMINER